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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,396	01/13/2004	Meng-Chiu Yu	YUME3001/EM	9953
23364	7590	01/31/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			LE, DANG D	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/755,396

Applicant(s)

YU, MENG-CHIU

Examiner

Dang D Le

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of claims 1-5 in the reply filed on 12/20/04 is acknowledged.
2. Claims 6-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected groups, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 12/20/04.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ogino (5,753,995).

Regarding claim 1, Ogino shows a wear-premonitory carbon brush holder comprising;

- A holder body (20) for receiving therein a carbon brush (45), which is reciprocately moveable in the holder body along a predetermined path, and
- A premonitory circuit having a sensing unit (34) mounted on said holder body for activating said premonitory circuit to generate a predetermined action or a

warning signal when the carbon brush moves in the holder body to a predetermined position.

Regarding claims 2, 4, and 5, it is noted that Ogino also shows said holder body comprising a receiving slot for receiving therein said carbon brush and a spring (46) connected between said holder body and said carbon brush; said sensing unit comprising a tongue (33) that is mounted on said holder body and has an end extending into said receiving slot (23) to a position where said spring can touch when said spring extends, thereby activating said premonitory circuit to generate the predetermined action or the warning signal when said spring touches said tongue; an alarm indicator, and; a normally open switch loop.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ogino in view of Thompson (3,523,288).

Regarding claim 3, Ogino shows all of the limitations of the claimed invention except for said holder body further comprising a copper barrel in which the receiving slot is provided, said copper barrel having a through hole running therethrough between said receiving slot and an outside thereof; said sensing unit further comprising an

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insulated plug inserted into said through hole of said copper barrel; wherein said tongue is mounted through said insulated plug. Ogino uses brass barrel and no plug.

Thompson shows a metallic barrel having a through hole running therethrough and the sensing unit further comprising an insulated plug (44) inserted into said through hole of the barrel; wherein said tongue (43) is mounted through said insulated plug for the purpose of providing a brush wear indicator.

Since Ogino and Thompson are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use insulated plug and to mount a tongue in the plug as taught by for the purpose discussed above.

It is also well known in the art of motor and generator to use copper instead of brass for the purpose of reducing electrical resistance. Therefore it would have been obvious to one having ordinary skill in the art to make the barrel of copper. Substitution of material is not patentable even when substitution is new and useful. *Safetran Systems Corp. v. Federal Sign & Signal Corp.* (DC Nill, 1981) 215 USPQ 979. It is not invention and does not involve patentability to simply make of plastic material that which has previously been made of metal, glass, ceramic, or like. *Plastic Container Corp. v. Continental Plastics of Oklahoma, Inc.* (DC Wokla, 1980) 214 USPQ 530.

***Information on How to Contact USPTO***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/25/05

A handwritten signature in black ink, appearing to read 'Dang D. Le', with a stylized, cursive script.

DANG LE  
PRIMARY EXAMINER